

REMARKS

Claim Rejections

Claim 1 is objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 4 is objected to because of informalities. Claim 6 is objected to because of informalities. Claims 1, 3, 6, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Joannou (6,919,053) in view of Manjo et al. (5,263,197) and further in view of Owen et al. (5,065,272). Claims 2, 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joannou and Manjo et al. In view of Owen et al. and further in view of Terashita et al. (6,515,879).

Amendments to Specification

Applicant has amended the Specification as noted above to cure obvious grammatical and idiomatic inaccuracies and to address the Examiner's objections thereto. Applicant has also amended the specification to clarify that the preferred embodiments eliminate high frequencies created by the oscillation circuit thereby eliminate any ***potential negative effects*** on the human body. Applicant further submits that it is well known in the art that high frequencies, especially those emitted by electronic devices placed in close proximity to the body for extended periods, (e.g., such as those from cell phones or other portable electronic devices) ***may*** have negative effects on human health.

It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No new matter has been added to the original disclosure by the foregoing amendments to the Specification.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has canceled claim 3 and has amended claims 1, 2, 4, 6, and 7 of this application to address the Examiner's objections thereto, as well as to better protect what Applicant regards as the invention. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The amended claims are directed toward: a negative ion generator or a circuit for generating negative ions including, *inter alia*, a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected ***in series*** with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series, wherein the ***capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor.***

Other embodiments of the present invention include: a circuit for generating negative ions including, *inter alia*, an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a ***high frequency filtering circuit*** having a first capacitance, a second capacitance and a first coil, the ***high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.***

Joannou teaches a portable ion generator including a circuit 2 providing AC voltage to a transformer 3 which is connected to a diode-capacitor multiplier 4 producing a high voltage to ionizing needle 5 which then emits ions. See, Fig. 1 and col. 3, ll. 29-45. As admitted by the Examiner on p. 3 of the outstanding Office Action, Joannou fails to teach Applicant's recited frequency eliminating circuit.

Joannou does not teach: a negative ion generator or a circuit for generating negative ions including a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected in series with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series,

wherein the capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor. Nor does the reference teach: a circuit for generating negative ions including an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a high frequency filtering circuit having a first capacitance, a second capacitance and a first coil, the high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.

Manjo et al. teach a two-stage direct conversion receiver including capacitors 33 and 34 and an inductor 32. As admitted by the Examiner on p. 4 of the outstanding Office Action, "the capacitance being connected with the coil in *parallel*." *Emphasis added*.

Manjo et al. do not teach: a negative ion generator or a circuit for generating negative ions including a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected in series with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series, wherein the capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor. Nor does the reference teach: a circuit for generating negative ions including an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a high frequency filtering circuit having a first capacitance, a second capacitance and a first coil, the high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.

Owen et al. is cited as teaching a power indication circuit displaying whether the power is on or off.

Owen et al. do not teach: a negative ion generator or a circuit for generating negative ions including a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected in series with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series,

wherein the capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor. Nor does the reference teach: a circuit for generating negative ions including an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a high frequency filtering circuit having a first capacitance, a second capacitance and a first coil, the high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.

Terashita et al. teach a power source filter circuit having a first capacitance 3 and a second capacitance 4. It is important to note that the first capacitance 3 and the second capacitance 4 are connected in parallel as shown in Figures 1-2. In addition, although the reference shows in Figures 1-2 that the first capacitance 3 and the second capacitance 4 are grounded, the references does not teach the capacitance 3 and the second capacitance 4 are electrically connected to the base of the transistor.

Terashita et al. do not teach: a negative ion generator or a circuit for generating negative ions including a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected in series with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series, wherein the capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor. Nor does the reference teach: a circuit for generating negative ions including an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a high frequency filtering circuit having a first capacitance, a second capacitance and a first coil, the high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.

Even if the teachings of Joannou, Manjo et al., Owen et al., and Terashita et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a negative ion generator or a circuit for generating negative ions

including a high frequency eliminating circuit having a capacitance (C4) and a coil (L2), the capacitance (C4) being connected in series with the coil (L2), and the coil (L2) being connected to the emitter of the transistor in series, wherein the capacitance (C4) and the capacitance (C3) of the oscillation loop are both electrically connected to the base of the transistor.

Nor does the combination suggest: a circuit for generating negative ions including an oscillation circuit, an amplifying circuit connected with at least a discharge electrode, the amplifying circuit configured to rectify current flowing to the oscillation circuit and discharge negative ions through the discharge electrode; and a high frequency filtering circuit having a first capacitance, a second capacitance and a first coil, the high frequency filtering circuit connecting a power indication circuit with the transformer of the oscillation circuit.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Roethermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Joannou, Manjo et al., Owen et al., or Terashita et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Joannou, Manjo et al., Owen et al., nor Terashita et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant

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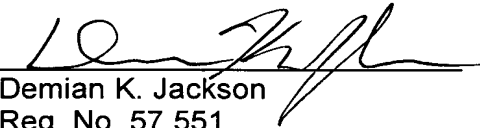
hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: September 20, 2006 By:


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